IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 4338 OF 2004
IN
FIRST APPEAL (ST) NO. 23257 OF 2004

Office Notes, Office Memoranda of of Coram, appearances, Court's orders and Registrar's orders : Court's or Judge's orders

---

Shri R.G. Bhat for the applicants.

Shri A.J. Joshi for the respondents.

CORAM: P.V. KAKADE, J.

DATED: 17TH DEC., 2004

P.C.:

1. Heard learned counsel for both parties.

2. This is an application for condonation of delay of one year and 150 days in filing the appeal against the judgment and decree passed by the lower Court. Office note shows that the delay is of one year and 104 days.

3. The learned counsel for the applicant has submitted that due to financial constraint and other personal difficulties the applicant was not able to file the appeal and similar appeals filed by others are already admitted. Respondents' advocate submitted that no sufficient ground is made out to condone the delay.

3. In view of the facts and circumstances, I am inclined to grant the application. In the interest of justice, it would be better that the dispute is contested on merits for which purpose the application deserves admission in the entire dispute.

Hence, the application is made absolute in terms of prayer clause (a) on condition that the cost of Rs.2000/- shall be paid by the applicant, out of which, an amount of Rs.1000/- shall be donated to Kirtikar Library and remaining amount shall be paid to the respondents within two weeks from the date of this order.

.....